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THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: Martin *et al.*)
Serial No.: 09/855,972) Examiner: Hassanzadeh, P.
Filed: May 15, 2001) Art Unit: 1763
For: **METHOD AND APPARATUS**) Docket No.: 62002-1751
FOR LOW ENERGY ELECTRON)
ENHANCED ETCHING OF)
SUBSTRATES IN AN AC OR DC)
PLASMA ENVIRONMENT)

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TC 1700

FIRST RESPONSE – ELECTION OF SPECIES

Assistant Commissioner for Patents
Washington, D.C. 20231

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Sir:

In response to the non-final Office Action (Paper No. 3) mailed from the U.S. Patent and Trademark Office on June 11, 2002, Applicants submit the following response.

It is not believed that extensions of time or fees for net addition of claims are required, beyond those, which may otherwise be provided for in documents accompanying this paper. However, in the event that additional extensions of time are necessary to allow consideration of this paper, such extensions are hereby petitioned under 37 C.F.R. § 1.136(a), and any fees required therefor (including fees for net addition of claims) are hereby authorized to be charged to Deposit Account No. 20-0778.

CERTIFICATE OF MAILING

I hereby certify that this Response is being deposited with the U.S. Postal Service as first class mail in an envelope addressed to: Assistant Commissioner for Patents, Washington, D.C. 20231

on

July 9, 2002

Gloria L. Knox
Gloria L. Knox

Election/Restriction

This is a full and timely response to the non-final Office Action (Paper No. 3) mailed from the Patent Office on June 11, 2002. In response to the Examiner's election of species requirement, Applicants hereby elect to prosecute the embodiment identified in the Office Action as "Species 2." Applicants submit that at least claims 19-26 and claims 31-35 directly read on this embodiment. However, Applicants wish to point out that if independent claim 19 is allowable, then all dependent claims, including dependent claims 27-30, will be allowable as a matter of law.

In this regard, disagree with the Examiner's assertion that there are no "fully generic" claims. Applicants respectfully submit that claim 19 is drawn to the first embodiment of the invention, while dependent claims 23-26 and dependent claims 27-30 are drawn to the second and third embodiments, respectively. The MPEP states that a generic claim should include no material element additional to those recited in the species claims, and must comprehend within its confines the organization covered in each of the species. See MPEP § 806.04(d). Applicants respectfully submit that independent claim 19 is generic to the three embodiments disclosed in the instant application and respectfully request that the election/restriction requirement be removed.

Respectfully submitted,

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